

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MATTEL, INC.,

Plaintiff,

- against -

WOLFGANG WIND D/B/A TRANSCONTINENTAL,

Defendant.

SENT
ELECTRONICALLY FILED

DOC #:

DATE FILED: 12-8-08

07 Civ. 2422 (JGK)

MEMORANDUM OPINION
AND ORDER

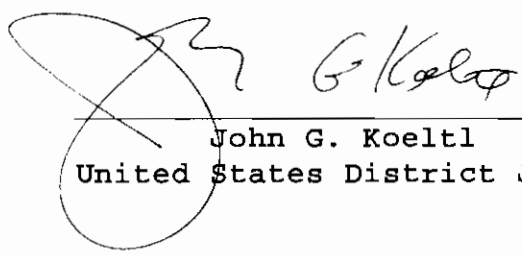
JOHN G. KOELTL, District Judge:

The Court directs that the attached Amended Judgment be entered. The Court has stricken the portion of the Amended Judgment awarding the plaintiff \$5,600, representing a contempt sanction of \$800 per month for each month from May 2008 until November 2008. Contrary to the Court's prior order, the plaintiff is entitled to civil contempt remedies to compel compliance with the Court's orders only on a prospective basis. See Weitzman v. Stein, 98 F.3d 717, 719 (2d Cir. 1996). The purpose of the civil contempt sanction is to coerce future compliance with the Court's order.

The Court has also determined that only the Second, Fourth, Fifth, and Sixth decretal paragraphs of the original Final Judgment and Permanent Injunction By Consent, dated January 4, 2008, should be stricken.

SO ORDERED.

Dated: New York, New York
December 4, 2008



John G. Koeltl
United States District Judge

11/05/08, 15,

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

MATTEL, INC., :

Plaintiff, :

- against - :

07 Civ. 2422 (JGK)

WOLFGANG WIND D/B/A :
TRANSCONTINENTAL, :

Defendant. :

- - - - - x

AMENDED JUDGMENT

Amended Upon the memorandum opinion and order *dated* ~~entered in~~
December 5, 2008,
this action on November 24, 2008, that granted plaintiff's

motion (i) to enforce the final judgment and permanent
injunction by consent dated January 4, 2008, and (ii) to
adjudge defendant Wolfgang Wind in contempt, it is hereby


ORDERED, ADJUDGED and DECREED that an amended
judgment is hereby entered in favor of plaintiff against
defendant Wolfgang Wind in the amount of ~~\$21,600~~ ^{\$16,000}
~~representing (i) \$16,000~~ which remains unpaid from the
January 4, 2008, final judgment and permanent injunction by
consent, and ~~(ii) \$5,600 representing a contempt sanction~~
~~of \$800 per month for each month from May 2008 until~~
~~November 2008;~~ and it is further

ORDERED, ADJUDGED and DECREED that, as a contempt sanction, judgment is hereby entered in favor of plaintiff and against defendant Wolfgang Wing for an additional \$800 per month, on the first of each month, beginning ~~December~~ ^{January} 1, ~~2008~~ ²⁰⁰⁹, until this amended judgment is satisfied; and it is further

ORDERED, ADJUDGED and DECREED that the ~~decretal~~ ^{Second, Fourth, Fifth, and Sixth} paragraphs of the final judgment and permanent injunction by consent dated January 4, 2008, ~~other than the first and third decretal paragraphs,~~ are hereby vacated; and it is further

ORDERED, ADJUDGED and DECREED that the Court shall retain jurisdiction in this action to enforce the first and third decretal paragraphs of the final judgment and permanent injunction by consent entered in this action on January 4, 2008, and the terms of this amended judgment.

Dated: New York, New York
November , 2008
December 5,


John G. Koeltl
United States District Judge

THIS DOCUMENT WAS ENTERED
THE DOCKET ON _____